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Thank you for the opportunity to comment on the DEIR for Biosolids Land Application.

Air, soil and water are the three essentials for plant, animal and human life on earth. Humans have been continuously destroying the health of the soil for 5000 years, and at increasingly rapid rate within the last century. It may take hundreds of years to produce an inch of topsoil; removing its protective cover by plowing or overgrazing can allow wind or water erosion in a short time. In previously fertile arid areas, plowed and over-irrigated soils have become salt-laden and non-arable. When pesticides are used, they may kill most of the microorganisms, bacteria, and small fauna necessary for good soil. We do not yet know the long range effects of chemical fertilizers or herbicides. The future outlook for the soils of the world is bleak.

Now we are faced with an additional decision, that of allowing the disposal of sewage sludge on croplands. If sludge consisted only of organic material it would be helpful, however, 95% of sludges produced contain toxics, to humans, plants, animal, and to the soil. The EPA has conducted tests, resulting in federal regulation, Part 503, governing the amount of toxicity allowed in sludge. The limits set are far higher than sludges in many other nations. When a call was placed to an EPA office in California, we were told that in spite of the possible high toxicity, the soil should be all right for at least 20 years. Twenty years? How about 200? Or 2000?

The State has no staff scientists to advise on the long range effects of ongoing legislation or regulations; department staffs must rely on the research of university scientists. If an eminent scientist, whose work had been approvingly peer-reviewed, submitted comments recommending that landspreading be abandoned as a dangerous practice, would that change the preferred alternative in the Final EIR? Probably not. In the reference material for this document are many scientific studies listing the dangers of sewage sludge on croplands that affected the DEIR only marginally. So if science is not the determining criterion for this project, what is?

The CSWRCB is following a court order to produce regulations for landspreading, thereby eliminating the opportunity for the most vital decisions. There are political forces behind this project that we cannot reach through the EIR process. What and who are the influences leading up to the court order? As citizens this knowledge should be available to us.

That this is a potentially dangerous project is recognized by this document. If it is not, why would fragile areas of the State be excluded from these practices? Is the soil and water in the rest of the State less valuable than in the exclusion areas? If we must

dump sludge on our farmlands, why not set regulations that are really protective of California? What is the reason for adopting almost entirely the EPA's Part 503's as the pollution standards when they have been acknowledged to be inadequate in many respects? Is it pressure from the wastewater industries who do not want to meet stricter requirements? Why not adopt EC rules or stricter on pollution levels, accept the University of Pennsylvania's "A Case for Caution" recommendations and any other cautionary principles that have been revealed in your research? If you have found that the proposed GO would be detrimental to the water and soils of California are you not obligated to transmit information to the CSWRCB? Was this considered an option? If not, why not?

Your Land Application Ban Alternative is superior in almost every respect to the proposed GO. Is the easier disposal of sewage sludge now more important than the future health of our water and soil? If it is so judged, why not inform the people that this is a political decision rather than concern for health and even the possibility of life in the future?

"what is clear, however, is that the effects are persistent, and are likely to remain as long as the toxic metals remain in the soil, which can be several hundred or even several thousand years (McGrath)."

*Jeanne Davies*  
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## Responses to Comments from Jeanne Davies

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- 37-1. The commenter's information on soil degradation is noted. No response is necessary.
- 37-2. Refer to Master Response 12 for a discussion of U.S. versus European regulation of land application of biosolids.

Regarding soil health beyond the 20-year time horizon, it is the SWRCB's intent to reassess the effectiveness of its GO in a 15-year time frame. Any evidence that has accumulated regarding observed adverse effects on soils, and any new information from scientific research, would be taken into account before the GO would be extended for a longer period. The GO restrictions on cumulative loadings of metals from biosolids applications are absolute restrictions. Future land application would not be allowed if these cumulative loadings were reached.

- 37-3. The Part 503 regulations, based on more than 200 peer-reviewed scientific papers, journals, and texts, are the only peer-reviewed regulations available for biosolids. Although some debate remains about the regulations, the academic community has not overwhelmingly criticized them. The GO is based on an existing peer-reviewed regulation that has not been shown to be unprotective.
- 37-4. In 1995, a senate bill sponsored by State Senator David Kelley placed in Section 13274 of the California Water Code requirements for the SWRCB or RWQCBs to issue general waste discharge requirements for the application of treated or chemically fixed sewage sludge. That legislation was passed by the legislature and signed by then Governor Wilson. At about the same time, because of increasing demand in biosolids land application waste discharge requirements, the Central Valley RWQCB issued general waste discharge requirements for nonexceptional quality biosolids and a waiver for exceptional quality biosolids. That action was petitioned on the grounds that the RWQCB did not adequately comply with CEQA. The SWRCB acted on the petition in favor of the petitioner and remanded the general waste discharge requirements back to the RWQCB. However, no stay was provided for the general waste discharge requirements in effect while the SWRCB was making its decision. As a result, many sites were enlisted under the general waste discharge requirements at the time of the SWRCB's decision. Those sites were grandfathered by the SWRCB. The SWRCB was subsequently sued by the Central and South Delta Water Agencies on the grandfathering issue and ordered by the court to provide general waste discharge requirements for the entire state. Accordingly, these requirements, with our other objectives stated in the Executive Summary in the draft EIR, are the forces behind the proposed project.
- 37-5. Exclusion areas identified in the GO were selected because these areas have been designated by state law and the California Code of Regulations as unique and valuable public resources. These areas are considered jurisdictional waters or preserves or are addressed through acts specifically intended to preserve and manage the resources. These locations have been

excluded from coverage by the GO; land application of biosolids could occur in these areas, subject to review through development of individual waste discharge requirements.

- 37-6. See Responses to Comments 21-6 and 37-3, and Master Response 12.
- 37-7. The commenter incorrectly states that the Land Application Ban Alternative is superior to the proposed GO and infers that disposal of “sewage sludge” would result in water and soil impacts. The draft EIR thoroughly evaluated the environmental effects, including those to water quality and soils, of implementing the GO. It determined that no significant impacts would occur that could not be mitigated to a less-than-significant level. On the basis of the results of the environmental analysis, the SWRCB will make an educated decision as to whether to approve the GO. It will not, as inferred by the commenter, base its decision on political reasons.
- 37-8. See Responses to Comments 26-28 and 37-7.